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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,
v.
BRIAN AVERY, et al.,
Defendants.

Case No.18-cv-07248-VKD

**ORDER TO SHOW CAUSE RE
SETTLEMENT**

Re: Dkt. No. 22

Plaintiff having filed a Notice of Settlement (Dkt. No. 22), the Court orders as follows:

On or before **December 2, 2019**, a dismissal shall be filed pursuant to Fed. R. Civ. P. 41(a)(1). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendant has not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants answered the complaint (Dkt. No. 9), plaintiff may not voluntarily dismiss this case absent a stipulation also signed by defendant or an order from the Court.

If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor of the United States District Court, 280 South First Street, San Jose, California on **December 10, 2019, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **December 3, 2019** advising as to (1) the status of their activities in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal.

If a dismissal is filed as ordered, the Order to Show Cause hearing will be automatically

1 vacated and the parties need not file a statement in response to this Order.

2 **IT IS SO ORDERED.**

3 Dated: October 2, 2019

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VIRGINIA K. DEMARCHI
United States Magistrate Judge